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Patent

### THE UNITED STATES PATENT AND TRADEMARK OFFICE

MR-25PCT

Applicant

: Thomas Hoell, et al

Serial No.

: 09/831,996

Filed

: November 20, 2001

For

: NAVIGATION SYSTEM FOR PERFORMING AND ASSISTING SURGICAL OPERATIONS, MARKING DEVICE OR FIDUCIAL, AND POINTER FOR A TRACKING DEVICE IN A

NAVIGATION SYSTEM

Assistant Commissioner for Patents Washington, D.C. 20231

## RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

SIR:

As required in the Notification of Defective Response, submitted herewith are the originals of the declaration submitted by fax on May 22, 2002.

A check in the amount of \$10.00 to cover the additional fee for multiple dependent claims is also enclosed.

Respectfully submitted,

Βv

Friedrich Kueffner
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New York, New York 10017
(212) 986-3114

Dated: July 2, 2002

Encl.: Check in the amount of \$10.00

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on <u>July 2, 2002</u>.

By: 1 Kuf

Friedrich Kueffner

Date: <u>July 2, 2002</u>



Contrassioner for Patents, Box PCT United States Patent and Tradomark Office Washington, D.C. 2023

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/831,996

Thomas Hoell

MR-25PCT

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INTERNATIONAL APPLICATION NO.

PCT/EP99/08602

LA. FILING DATE

PRIORITY DATE

11/10/1999

11/17/1998

DIEDRICH KLIEFFNEP

JUN 2 8 2002

CONFIRMATION NO. 2238
371 FORMALITIES LETTER

\*OC000000008295462\*

Date Mailed: 06/18/2002

Friedrich Kueffner

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# NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Fax copy of declaration submitted May 22, 2002 not legible.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

 Additional claim fees of \$10 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$10 for a Large Entity:

- Total additional claim fee(s) for this application is \$10
  - \$10 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

# PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/831,996                  | PCT/EP99/08602                | MR-25PCT         |

FORM PCT/DO/EO/916 (371 Formalities Notice)

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Adjustment date: 07/31/2002 BCAMPBEL 07/18/2002 SNAJARRO 088898089 89831996 01 FC:968 -280.80 OP